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International Court of Justice

H3334 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 22 July 1948

I certify that Document Number L-135 was introduced into evidence as Exhibit Number USA-744 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Oelbermann

Fred OELBERMANN
Chief, Document
Control Branch.

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# C E R T I F I C A T E

I hereby certify that the annexed document L-135 No. USA - 747 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nuremberg, 4 July 1948

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

H3334 – 0004

DEPOSITION OF KATE EVA HOERLIN L-135

STATE OF NEW YORK )
)
COUNTY OF BROOME ) SS.:
)
CITY OF BINGHAMTON )

KATE EVA HOERLIN being duly sworn, deposes and says:

On Saturday, June 30, 1934, I was living with my former husband Dr. WILLI SCHMID, and my three children RENATE (DUSCHA) age 9, THOMAS age 7, and HEDI age 2, in a third floor apartment at 3 Schackstrasse, Munich, Germany.

At that time my husband, WILLI SCHMID, was the music critic for the "Muenchener Neuste Nachrichten", the leading newspaper in Munich.

At 7.20 in the evening of June 30, while my husband was in his study playing the 'cello and while I was helping prepare supper, and the children were playing around the living room and kitchen, the front door bell rang. My maid, ANNA BIELMEIER, answered the door. She went to my husband and said that there was a man at the door who wanted to talk with him about a job. I asked my husband why anyone would come around at this time on a Saturday evening - but he said that he would see him anyway. I followed my husband to the door and saw a man standing there in civilian clothing. Just as my husband reached the door the man in civilian clothing stepped aside, and four men dressed in the SS uniform, and fully armed, appeared from the side of the hall and pushed their way into our apartment and into my husband's study. I followed them in. My husband asked them what they wanted. They merely replied: "Come with us at once." My husband then asked them whether they had any warrant or identification and they replied that they did not need any. I said to them that there must be some mistake, and that I would get my husband's identification papers which were in a drawer in his desk. I turned around to go to the desk which was on the other side of the room when my husband shouted to me: "Don't move - they'll shoot you."

Kate Eva Hoerlin

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I stopped where I was and looked back to see all four of the SS men with their guns pointed at me.

They then grabbed my husband and pushed him out of the study door. As they reached the hall my husband asked whether he could take his hat which was hanging there. They permitted him to do this and proceeded to lead him away. I asked the SS men if I could go along, but they would not answer me. I followed them down the stairs and out into the street where there was a car waiting. I was, of course, at this point in a very worried state - and as they forced my husband into the car I kissed him. My husband, on the other hand, was completely calm and as he got into the car he said to me: "Be calm, dear - it can only be some mistake." Those were his last words to me and I remember them with complete clearness.

The thought occurred to me at once that I should catch the number of the car. This I did, and I wrote it down as soon as I had reached my apartment again.

I at once telephoned Dr. ARTHUR HUEBSCHER, one of the editors of my husband's newspaper, and told him what had happened. He came over to my apartment immediately. During that night I made innumerable other telephone calls, calling everyone I thought might be of assistance. I called the police, who simply told me that they knew nothing - and that there was nothing that they could do for me. I also called the Gestapo headquarters at various times during the night, and they also merely informed me that they knew nothing about it.

On Monday officials from the "Muechener Neuste Nachrichten" contacted KARL HANIEL in Dusseldorf who was on the Board of Directors of my husband's paper, and who was a very prominent figure in German industry holding, among other positions, the presidency of the Board of Directors of the "Gutehoffnungshuette" the large German steel works. He came to Munich, arriving there about the third of July. He contacted the Gestapo at once, and because of

Kate Eva Hoelle

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his influence he was able to obtain for me the first information about my husband's death. He was told that my husband had been shot at Dachau "by accident". He was told that the body would be released as "the body of an innocent person" and he was given instructions as to how he could obtain it.

On July 4, KARL HANIEL, his cousin KURT HANIEL as well as Captain SCHENCK and another man from the "Muenchener Neuste Nachrichten" went as instructed to Dachau and picked up the body at an underpass just outside the camp. It was in a bare wooden box coffin which was firmly sealed and which had written on it in blue chalk "Dr Willi Schmidt". It was delivered to KARL HANIEL et al by members of the Gestapo who, in a manner which left no doubt as to the consequences of disobeying, ordered that no one was under any circumstances to open the coffin.

The funeral was set for July 6th. I wanted to publish the usual death notice in my husband's newspaper, but I was informed by the official I contacted on the paper that they had been instructed by the Gestapo that no death notice could be published without the prior approval of the Gestapo. I contacted the Gestapo by telephone, requesting permission to publish the death notice. They told me that I might publish it provided that I referred to the death as being accidental, and provided that I made no mention of the date of the death or the time of the funeral as such mention might cause public unrest. I told them that I would not publish a lie, and hung up. However, without my assent the newspaper published the death notice in accordance with the Gestapo restrictions. I was also informed by the Gestapo that any music which was to be played at the funeral, as well as any speech contemplated in honor of Dr. SCHMID, would have to be first censored by them.

Kate Eva Hoelle

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My brotner in law, WALTER SCHMID, obtained what was supposed to be an official death certificate for me. However, the certificate he gave me stated on it that my husband had died at Dachau at 6 P. M. on June 30, 1934. I asked my brother in law to see if he could not procure a true death certificate, as my husband had not even been arrested at the hour stated on the certificate given me. In the company of my other brother in law, FRANZ RINGLER, WALTER went to the Town of Dachau where he contacted Regierungsrat KELLNER whom he asked to explain the obvious error on the face of the certificate he had received. KELLNER informed my brothers in law that the certificate had been made out in accordance with verbal instructions given by Obersekretaer MUTZENBAUER, an official of the Dachau concentration camp. This latter individual might have direct information concerning the murder of my husband.

When my husband was taken away he had in his possession a gold watch which was a family heirloom. He also had some money and other personal effects on him. Many times I requested the Gestapo to return this watch to me, as I had a strong sentimental attachment to it, and I was often assured that it would be returned. But neither the watch or any of the other effects which my husband had in his possession when he was taken away were ever returned to me.

On July 7th an official of the Gestapo, one Regierungsrat BRUNNER, came to my residence. He said that he had come to express his sorrow for the "regrettable accident". I asked him what was the reason for having arrested my husband, and many other questions. He refused to answer any question I asked him.

During the following weeks the Gestapo twice tried to offer me money, and messengers were sent to my house with this money.

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Kate Von Hoerlein

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They never stated why the money was being offered, and did not want a receipt or any other formal acknowledgment of it. I refused this money each time. The first time the messenger brought it back with him, but the second time he insisted on leaving it at my apartment. I took the money to the Braunehaus, NSDAP headquarters in Munich where I told an official what had happened and that I refused to accept the money. A Captain FRITZ WIEDEMANN who was a member of RUDOLPH HESS' staff overheard my conversation and he offered me his assistance. He told me that I could leave the money there and that he would endeavor to obtain a legal pension of some kind for me. He also said that he would try to obtain a statement for me that my husband was entirely innocent of any wrong. Shortly thereafter I received a phone call, a voice on the other end of the line saying to me that HEINRICH HIMMLER desired to speak to me. A very arrogant voice then came on the line and told me that I had better accept the money which had been offered me and keep quiet about the matter. I repeated my refusal and hung up. I immediately contacted Captain WIEDEMANN and told him about the phone call from HIMMLER. Not long thereafter, on the 31st of July, RUDOLPH HESS came personally to visit me accompanied by an adjutant. He said that he had come to express his sympathy, and to assure me that the guilty ones would be punished. I told him not to punish the young boys who had taken my husband away that night but to punish the really guilty ones who were responsible for their acts. He told me that I should think of my husband's death as the death of a martyr for a great cause. He promised me that he would personally concern himself with the case.

This visit was followed by a letter from RUDOLPH HESS, dated September 24, 1934, in which HESS referred to his visit and in which he stated that my husband was not in "any way" shot because of any connection with the ROEHM Revolt or because of any guilt on

Kath Von Hallies

A096122

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his part. A copy of this letter, attested by a Munich notary, Dr. KLEINMANN, is attached hereto. I had this copy made in case the Gestapo should find the original and take it from me. Unfortunately I have since lost the original of this letter. However, my present husband has seen the original of this letter and his affidavit to this effect is attached hereto. Both my brothers in law have also seen the original of this letter, and their names and addresses are given below.

Upon the request of Mr. HESS the Nazi party paid me a monthly pension of onethousand marks which was the approximate salary my husband earned before his death. Not wanting to receive anything from the Nazis and feeling that the Party, which at that time was still quite separate from the Reich Government, could offer me and my children no real security, I endeavored to obtain an agreement from the Reich Government itself to pay me this pension. Only after almost a year of negotiations, during which I made six or seven trips to Berlin, was I finally able to obtain from the Department of the Interior of the Reich an agreement to pay me this pension. A photostat copy of this agreement is attached hereto. The original I have in my possession, and I do not wish to part with it as I feel that this, being an agreement of the Reich and not the Nazi party, is still an obligation of the German State for the education of my children.

In fairness I should state that Captain WIEDEMANN, formerly an influential member of the NSDAP, was at all times genuinely sympathetic with my case; and I feel that I owe more to him for having protected me from the Gestapo than to any other individual.

My former husband, WILLI SCHMID never had any political affiliations of any kind, and never engaged in any political activities. He was, however, strongly anti-Nazi in his sympathies, and this was known to the General Manager of the "Muenchener Neueste Nachrichten", SS Gruppenfuehrer HAUSLEITER, who since 1933 controlled

Kate Rosa Hoerlin

A096123

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the policies of my husband's newspaper. HAUSLEITER, if available, should be questioned concerning his knowledge of the circumstances resulting in the murder of my husband. On the same day that my husband was murdered, a prominent SA leader in Munich named WILLI SCHMIDT was also shot. It was thought by many that my husband's murder resulted from this similarity in names, but this fact was never established or admitted.

My two brothers in law referred to above are very familiar with all the circumstances following the murder of my husband. Their last known addresses were:

WALTER SCHMID, Riesserkopt Strasse 17, Garmisch-Partenkirchen, Bavaria.

FRANZ RINGLER, Dreitorspitze Strasse 24, Garmisch-Partenkirchen, Bavaria.

In 1937 I left Germany with my children and went to Austria. I married my present husband, HERMAN WILLIAM HOERLIN in July 1938 and we came to the United States shortly thereafter. We became citizens of the United States in 1944. Our present address is 35 Vermont Avenue, Binghamton, New York.

Though I have referred to the German Secret Police throughout this deposition as the "Gestapo" since that is the name they were later always called, however, at the time of my husband's murder they were actually called the "Politische Polizei".

July 7, 1945.

Kate Lea Hoerlin

STATE OF NEW YORK )

State of New York
County of Broome } ss.:

A09124

I, WILLIAM E. FLOOK, Clerk of the County of Broome, and also Clerk of the County and Supreme Courts for said County, said Courts being Courts of Record, do hereby certify that

Charles W. Tuttle

the Notary Public before whom the within acknowledgment was made, was at the time of taking the same authorized by the laws of the State of New York to take acknowledgments and proofs of deeds of conveyances for lands, tenements and hereditaments situate, lying and being in said State of New York. And further that I am well acquainted with the handwriting of such Notary Public and verily believe that the signature to said certificate of proof of acknowledgment is genuine and that an impression of the seal of such Notary Public is not required by law to be filed in this office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Courts and County, the 7 day of July 1945

M. E. Flook Clerk

By ..... Deputy Clerk

3 x Exhs

H3334 – 0011



L-135

the policies of my husband's newspaper. HAUSLEITER, if available, should be questioned concerning his knowledge of the circumstances resulting in the murder of my husband. On the same day that my husband was murdered, a prominent SA leader in Munich named WILLI SCHMIDT was also shot. It was thought by many that my husband's murder resulted from this similarity in names, but this fact was never established or admitted.

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In 1937 I left Germany with my children and went to Austria. I married my present husband, HERMAN WILLIAM HOERLIN in July 1938 and we came to the United States shortly thereafter. We became citizens of the United States in 1944. Our present address is 35 Vermont Avenue, Binghamton, New York.

Though I have referred to the German Secret Police throughout this deposition as the "Gestapo" since that is the name they were later always called, however, at the time of my husband's murder they were actually called the "Politische Polizei".

July 7, 1945.

Kate Eva Hoerlin

STATE OF NEW YORK )
) SS.:
COUNTY OF BROOME )

Personally before me on this 7th day of July, 1945, appeared KATE EVA HOERLIN who, for the past seven years, I have personally known to be the said KATE EVA HOERLIN, and, who, upon oath, swore that the above statements were in all respects true and correct.

Notary Public

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STATE OF NEW YORK :
SS:
COUNTY OF BROOME :

I, HERMAN WILLIAM HOERLIN, certify upon oath that I have seen the original of the letter signed by RUDOLPH HESS, an attested copy of which is attached to the deposition of my wife, KATE EVA HOERLIN, dated July 7, 1945, and that the original of said letter bore the signature of RUDOLPH HESS, and that in all respects the said attested copy is identical to the original of said letter.

Herman William Hoerlin

Sworn to before me this 7th
day of July, 1945.

Notary Public.

A096126

H3334 – 0013

SUPPLEMENTAL AFFIDAVIT OF KATE EVA HOERLIN L-135
9.

STATE OF NEW YORK )
) SS.:
COUNTY OF BROOME )

KATE EVA HOERLIN being duly sworn, deposes and says:

In the deposition which I signed under oath on July 7, 1945 relating to the circumstances connected with the death of my former husband DR. WILLI SCHMID I omitted to state that after having written down the license number of the car in which my husband was driven away by the SS men, the ownership of that car was traced and it was ascertained that the car belonged to Baron RECHBERG who, I believe, was a student in Munich and a member of the SS at the time. It is possible that this individual may have knowledge of the circumstances of the murder of my husband. The license of the car contained the letter-cipher IIIA which meant that it was registered at Stuttgart.

Kate Eva Hoerlin

Sworn to before me this 9th day
of July, 1945

Notary Public

AL 96127

No. of Pages .....

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EXHIBIT U.S.A. 747 (L-135)

Filed Jan 28, 1946
[illegible]
Secretary

# EXHIBIT U.S.A.

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9 pages